

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	HOLDER, David et al.
Title of Invention	:	FILLING MATERIAL
Date Filed	:	January 21, 2005
Application No.	:	10/586,782
Examiner	:	Not applicable
Art Unit	:	Not applicable
Confirmation No.	:	1594
Attorney Docket No.	:	642/07.01

ATTENTION: Petitions Branch
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION PURSUANT TO 37 §C.F.R. 1.47 (a)

This is a petition pursuant to 37 §C.F.R. 1.47 (a) to permit the above identified patent application to be made by John Collinson on behalf of himself and his joint inventor David Holder. This petition is accompanied by the requisite \$200 fee under 37 C.F.R. §1.17 (g) and by the Declaration of Mark Goodwin (hereafter "Goodwin Declaration"), which is cited for support of the facts set forth below.

1. This patent application is the U.S. national stage of International Application No. PCT/GB05/00227, filed January 21, 2005.
2. Mark Goodwin is a patent attorney in the United Kingdom (Goodwin Declaration, paragraph 1). He filed and prosecuted the International Application identified in the preceding paragraph during the international stage. (Goodwin Declaration, paragraph 2).
3. Exhibit A to the Goodwin declaration is true copy of an assignment in which the inventors of the present application assigned the invention to Mix U.K. Limited, the applicant in the above-identified International Application. (Goodwin Declaration, paragraph 3, and Exhibit A). Also, Mix U.K. Limited was the employer of both inventors at the time that the invention was made and would be the owner of the invention under U.K. law. (Goodwin Declaration, paragraph 4).

4. David Holder, one of the joint inventors in the above-identified U.S. patent application, died intestate on December 27, 2006. (Goodwin Declaration, paragraph 5).

5. Currently no such officer exists who has authority over the estate. Under these circumstances, it would typically take at least 8 months for such an officer to be appointed, but it could take as long as 24 months. (Goodwin Declaration, paragraph 6).

5. The undersigned will therefore be unable to obtain execution of the above-identified patent application by Mr. Holder, within the available time limit.

6. Since it will eventually be possible to obtain execution by an authorized officer, it would be grossly unfair to delay prosecution of this application, simply because it is temporarily impossible to obtain execution on behalf of the deceased inventor. It would also curtail the term of any patent that would be granted, to the prejudice of the assignee.

7. Mr. Holder's last known address is:

David Holder
25 Cumberland Drive
Bowden, Cheshire WA143QP
Great Britain

8. In view of the foregoing, it is urged that John Collinson must be permitted to file the present patent application on behalf of Mr. Holder and himself, and it is therefore requested that the present petition be granted.

Dated: July 13, 2007

Respectfully submitted,

By: s/Joseph B. Lerch/
Joseph B. Lerch
Registration No.: 26,936
KAPLAN GILMAN GIBSON & DERNIER LLP
900 Route 9 North, 5th Floor
Woodbridge, New Jersey 07095
Telephone (732) 634-7634
Attorneys for Applicant